

EXHIBIT 1



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Transcript of Thomas J. Fitton

Date: June 6, 2019
Case: Klayman -v- Fitton

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Transcript of Thomas J. Fitton

1 (1 to 4)

Conducted on June 6, 2019

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF FLORIDA</p> <p>3</p> <p>4 LARRY KLAYMAN, *</p> <p>5 Plaintiff, *</p> <p>6 vs. * Civil Action</p> <p>7 THOMAS FITTON, * No. 1:19-cv-20544</p> <p>8 Defendant. *</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Videotaped Deposition of THOMAS J. FITTON</p> <p>13 Washington, D.C.</p> <p>14 Thursday, June 6, 2019</p> <p>15 3:06 p.m.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Job No.: 247643</p> <p>20 Pages 1 - 92</p> <p>21 Reported by: Vicki L. Forman</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 A P P E A R A N C E S</p> <p>2</p> <p>3 ON BEHALF OF THE PLAINTIFF PRO SE:</p> <p>4 LARRY KLAYMAN, ESQUIRE</p> <p>5 Klayman Law Group, P.A.</p> <p>6 Suite 345</p> <p>7 2020 Pennsylvania Avenue, Northwest</p> <p>8 Washington, D.C. 20006</p> <p>9 (310) 595-8088</p> <p>10</p> <p>11</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT:</p> <p>14 RICHARD W. DRISCOLL, ESQUIRE</p> <p>15 Driscoll & Seltzer</p> <p>16 Suite 610</p> <p>17 300 North Washington Street</p> <p>18 Alexandria, Virginia 22314</p> <p>19 (703) 822-5001</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>1 Videotaped Deposition of THOMAS J. FITTON,</p> <p>2 held at the offices of:</p> <p>3</p> <p>4 Planet Depos</p> <p>5 Suite 950</p> <p>6 1100 Connecticut Avenue, Northwest</p> <p>7 Washington, D.C. 20036</p> <p>8 (888) 433-3767</p> <p>9</p> <p>10</p> <p>11</p> <p>12 Pursuant to agreement, before Vicki L.</p> <p>13 Forman, Court Reporter and Notary Public in and</p> <p>14 for the District of Columbia.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 ON BEHALF OF THE DEFENDANT:</p> <p>2 KATIE M. MERWIN, ESQUIRE</p> <p>3 Cole, Scott & Kissane, P.A.</p> <p>4 Suite 120</p> <p>5 222 Lakeview Avenue</p> <p>6 West Palm Beach, Florida 33401</p> <p>7 (561) 383-9206</p> <p>8 (Present via Telephone.)</p> <p>9</p> <p>10</p> <p>11</p> <p>12 ALSO PRESENT: Joannis Arsenis, Videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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11 (41 to 44)

Conducted on June 6, 2019

<p>41</p> <p>1 MR. KLAYMAN: Certify it.</p> <p>2 Q So as President of Judicial Watch you</p> <p>3 would have known for sure that this Complaint had</p> <p>4 been filed, correct?</p> <p>5 MR. DRISCOLL: Objection to form.</p> <p>6 A Well, the press release indicates it was</p> <p>7 filed and I recall we sued about the raid, yes.</p> <p>8 Q And you gave interviews about suing in the</p> <p>9 raid, correct, in the media?</p> <p>10 A I don't remember.</p> <p>11 Q Turn to the last page, page five.</p> <p>12 The Complaint is signed by James F</p> <p>13 Peterson, correct?</p> <p>14 A His name is on the last page of the</p> <p>15 Complaint as a signatory.</p> <p>16 Q He is an attorney at Judicial Watch,</p> <p>17 correct?</p> <p>18 A Yes.</p> <p>19 Q Now, Mr. Peterson had contact with Roger</p> <p>20 Stone over the issue of the raid on his house, did</p> <p>21 he not?</p> <p>22 A Not that I'm aware of.</p> <p>23 MR. DRISCOLL: Objection to form.</p> <p>24 Q You're saying you don't know one way or</p> <p>25 the other?</p>	<p>43</p> <p>1 have been disclosed to me.</p> <p>2 Q But you don't know for sure that</p> <p>3 Mr. Peterson didn't have contact with Roger Stone?</p> <p>4 MR. DRISCOLL: Objection to form.</p> <p>5 A I'm confident there was no such contact.</p> <p>6 Q You have told Mr. Peterson in the past,</p> <p>7 have you not, that I was ousted from Judicial</p> <p>8 Watch because of a sexual harassment complaint?</p> <p>9 MR. DRISCOLL: Objection to form.</p> <p>10 Mr. Peterson is an in-house counsel and I'm going</p> <p>11 to direct the witness not to answer. That's an</p> <p>12 attorney-client privilege.</p> <p>13 MR. KLAYMAN: Certify it.</p> <p>14 Q So you don't know whether or not</p> <p>15 Mr. Peterson repeating what you had told him then</p> <p>16 republished that to Roger Stone?</p> <p>17 MR. DRISCOLL: The communications between</p> <p>18 an in-house counsel and the President of the</p> <p>19 corporation relating to legal advice and</p> <p>20 assistance are privileged. He can't answer the</p> <p>21 question about the contents of the communication</p> <p>22 or derivative questions that would disclose the</p> <p>23 content of the communication.</p> <p>24 MR. KLAYMAN: That's the crux of the</p> <p>25 lawsuit. That does not apply in this context.</p>
<p>42</p> <p>1 A I don't believe he has. I said I would</p> <p>2 know if he had.</p> <p>3 Q How would you know if you couldn't even</p> <p>4 identify the Complaint?</p> <p>5 A Another abusive harassing question.</p> <p>6 MR. DRISCOLL: It's a foundation question.</p> <p>7 You can go ahead and answer it.</p> <p>8 How would you know if he had contacted</p> <p>9 Roger Stone?</p> <p>10 MR. KLAYMAN: Or if Roger Stone contacted</p> <p>11 him.</p> <p>12 A Is it privileged?</p> <p>13 MR. DRISCOLL: That's an interesting</p> <p>14 question. The fact of the communication would not</p> <p>15 be. The contents of it would be.</p> <p>16 A How I would know is my question of whether</p> <p>17 it's privileged or not.</p> <p>18 MR. DRISCOLL: No, I'm going to allow you</p> <p>19 to answer that one.</p> <p>20 A How I would know about what my attorneys</p> <p>21 are doing or Judicial Watch's attorneys are doing?</p> <p>22 MR. DRISCOLL: Yeah, and you're not</p> <p>23 disclosing a communication. You're just</p> <p>24 describing a process.</p> <p>25 A Typically that type of communication would</p>	<p>44</p> <p>1 MR. DRISCOLL: That doesn't waive the</p> <p>2 privilege.</p> <p>3 Q Are you saying that you never told anyone</p> <p>4 at Judicial Watch that I was ousted because of a</p> <p>5 sexual harassment complaint?</p> <p>6 MR. DRISCOLL: Anyone other than the</p> <p>7 attorneys?</p> <p>8 MR. KLAYMAN: Anyone.</p> <p>9 MR. DRISCOLL: No, I can't allow him to</p> <p>10 answer that question.</p> <p>11 Q Are you saying that you never told anyone</p> <p>12 that I was -- regardless -- let's take attorneys</p> <p>13 out of it.</p> <p>14 Have you ever -- you have told other</p> <p>15 people in addition to -- strike that.</p> <p>16 You have told other people excluding</p> <p>17 attorneys that I was ousted from Judicial Watch</p> <p>18 because of a sexual harassment complaint?</p> <p>19 A You have to ask the question again.</p> <p>20 MR. KLAYMAN: Read it back, please.</p> <p>21 A Please.</p> <p>22 MR. KLAYMAN: Let me rephrase it.</p> <p>23 Q I'm taking attorneys out of this question.</p> <p>24 I'm saying you have told others who aren't</p> <p>25 attorneys over the course of the last 16 years</p>

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12 (45 to 48)

Conducted on June 6, 2019

<p style="text-align: right;">45</p> <p>1 since I left Judicial Watch that I was ousted 2 because of a sexual harassment complaint? 3 A No, because that's not true. You weren't 4 ousted as a result of a sexual harassment 5 complaint. 6 Q After I sued you in this particular case 7 has anyone -- have you or anyone at Judicial Watch 8 or your counsel tried to contact Roger Stone? 9 MR. DRISCOLL: Objection to form. The 10 question invades the attorney-client privilege and 11 the attorney work product. I direct the witness 12 not to answer. 13 MR. KLAYMAN: Certify it. 14 Madam court reporter, have a page in the 15 front where you have all the certified questions 16 and where you can find them to make it easy for 17 the Magistrate Judge. Thank you. 18 Q Now, I turn your attention back to your 19 affidavit which is -- 20 A Exhibit 3. 21 Q Exhibit 3. Turn your attention to 22 paragraph seven where it says "I have no 23 recollection of ever having any communication with 24 Roger Stone," do you see that? 25 A Uh-huh.</p>	<p style="text-align: right;">47</p> <p>1 Judicial Watch was motivated by an employee's 2 sexual harassment complaint," do you see that? 3 A Yeah. 4 Q Again, that statement does not say that 5 you never spoke with Roger Stone, just that you've 6 never published that particular issue, correct? 7 A It says what it says. 8 Q And then it states "Any statement by Roger 9 Stone regarding Klayman was made without my 10 knowledge or information and therefore I did not 11 intend and could not intend to harm Klayman or his 12 reputation," do you see that? 13 A Yes. 14 Q Now, you're not saying in that statement 15 that you didn't communicate with Roger Stone. 16 You're saying that you didn't know that he was 17 going to republish anything about me, correct? 18 MR. DRISCOLL: Objection to form. The 19 document speaks for itself. 20 A The document speaks for itself. 21 Q If you don't want to explain it that's 22 fine. 23 A You're mischaracterizing it. 24 Q I do agree. It speaks for itself and 25 there's a lot of loopholes in it.</p>
<p style="text-align: right;">46</p> <p>1 Q Now, it doesn't say you didn't have a 2 communication with Roger Stone. It just says that 3 you have no recollection of having one, correct? 4 A That's correct. 5 Q Do you remember during the Clinton years 6 that witnesses would always come in and say we 7 have no specific recollection and we would contest 8 that? 9 MR. DRISCOLL: Just ask your question, 10 Larry. 11 Q So you can't say categorically that you 12 haven't had communications with Roger Stone? 13 You're just saying you don't have a recollection 14 of ever having it, correct? 15 A I think the statement speaks for itself. 16 Q You could have said I have never 17 communicated with Roger Stone, correct, if that's 18 what you were trying to say, that you never had 19 any contact? 20 A The statement speaks for itself. 21 Q Then you state in the next sentence "I 22 have never published, uttered or implied to Roger 23 Stone that Klayman was the subject of a sexual 24 harassment complaint during his employment by 25 Judicial Watch or that his resignation from</p>	<p style="text-align: right;">48</p> <p>1 MR. DRISCOLL: Why don't you just ask him 2 the question. Did he ever -- 3 MR. KLAYMAN: I will ask the questions 4 that I want to ask, Mr. -- 5 MR. DRISCOLL: All right. 6 Q I want to turn to paragraph eight. 7 Do you see the statements in the last 8 sentence of paragraph eight where it says "To 9 support his claim Judicial Watch submitted 10 evidence demonstrating that Klayman was forced to 11 resign due to inappropriate conduct" and you list 12 three examples of your alleged inappropriate 13 conduct, do you see that? 14 A Yeah. 15 Q Now, you have in the last 16 years told 16 many people, and I'm excluding any attorneys, 17 exactly what is written in this affidavit and 18 which you swore to under oath? 19 MR. DRISCOLL: I'm going to object to the 20 question and direct the witness not to answer that 21 question to the extent it's related to the other 22 lawsuit that is currently pending in the U.S. 23 District Court for the District of Columbia, Case 24 Number 06-cv-670. 25 MR. KLAYMAN: That's not a basis to tell</p>

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